THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.14765 OF 2005

Dated: 8th December, 2005.

Between:

Khaja Kutubuddin

… Petitioner

And

1. The State of A.P., represented by
   Principal Secretary to the Government of A.P,
   Department of Forest Environment, A.P.
   Secretariat, Hyderabad (A.P.) and
   two others. .. Respondents

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WRIT PETITION NO.14765 OF 2005

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ORDER :

Heard the learned Counsel for the petitioner and the learned Government Pleader

for Forests appearing for the respondents.

This writ petition is filed seeking a declaration that the action of the respondents in not renewing the licence of the petitioner to run a saw mill as arbitrary and illegal.

The material on record shows that the petitioner was granted licence No.45/N2/SMTD/2003 to establish and run a saw mill under the name and style of Classic Saw Mill at H.No. 7-14-1304/65/4, situated Bodhan Road, Nizamabad. The said licence was valid upto 31-12-2003. In the circumstances, the petitioner made an application in accordance with the provisions of the statute seeking renewal of the licence. This writ petition is filed aggrieved by the inaction on the part of the respondents in considering his application for renewal of the licence.

On behalf of the respondents, a counter-affidavit has been filed, in which it is stated that during the pendency of the writ petition, having considered the representation of the petitioner, the licence granted in favour of the petitioner was cancelled vide order dated 26-7-2005 since it was found that the establishment of new Sawmill-cum-Timber Depot at Door No. 7-14-1304/65/4 situated a t Bodhan Road area in Nizamabad town was not in conformity with the orders of the Supreme Court in W.P.No.202 of 1995.

It is to be noted that the Supreme Court in T.N. GODAVARMAN THIRUMULKPAD v. UNION OF INDIA having considered the scope and object of the provisions of the Forest (Conservation) Act (69 of 1980) in detail held that there was need to constitute a High Power Committee to oversee the strict and faithful implementation of the directions issued therein.

In pursuance thereof, the Central Empowered Committee has been constituted. It is not in dispute that the establishment of saw mills is banned without prior permission of the Central Empowered Committee. Since admittedly such permission of the Central Empowered Committee has not been obtained with regard to the petitioner's sawmill, I deem it appropriate to dispose of the writ petition with a direction to the

respondents to refer the case of the petitioner to the Central Empowered Committee with regard to grant of licence to establish and run a saw mill by the petitioner within a period of four weeks from the date of receipt of this order. In case clearance is granted by the Central Empowered Committee, the necessary further steps shall be taken and appropriate orders be passed in accordance with law.

The Writ Petition is accordingly disposed of. No costs.

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G. ROHINI, J.

Dt. 8-12-2005.

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